



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/991,807	11/16/2001	Gil Gavriel Dudkiewicz	051448.0201	1953

7590 08/28/2006

David A. Blumenthal
FOLEY & LARDNER
Suite 3500
2029 Century Park East
Los Angeles, CA 90067-3021

EXAMINER

SALCE, JASON P

ART UNIT	PAPER NUMBER
----------	--------------

2623

DATE MAILED: 08/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/991,807	Applicant(s) DUDKIEWICZ ET AL.	
	Examiner Jason P. Salce	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 8/27/2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 10-16 and 20-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 10-16, 20-22, 24, 25, 27, 28, 30, 31 and 33-44 is/are rejected.
- 7) ☒ Claim(s) 23, 26, 29 and 32 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn. A new grounds of rejection is made in view of Tash.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 3-6, 10, 11, 13-16, 20-21, 25, 27, 31 and 33-44 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Tash (U.S. Patent No. 7,036,138).

Referring to claim 1, Tash discloses a method for generating metadata for television program receivers, where in the metadata describes the television program (see Column 2, Lines 12-17).

Tash also discloses obtaining, by a programmable device, production data corresponding to the television program from a production system used in the production of the television program prior to broadcast of the television program (see Column 8, Lines 10-33).

Tash also discloses assigning, by the programmable device, respective numerical goodness of fit scores to respective predefined categories based on analysis of the production data to describe the subject matter of the television program (see Column 14, Lines 46-55), wherein the numerical goodness of fit scores assigned to a category represent a degree to which the category is descriptive of the subject matter of the television program (see Table 2).

Tash also discloses assigning, by the programmable device, keywords to the television program based on analysis of the production data (see Column 16, Lines 8-31).

Tash also discloses storing, by the programmable device, numerical goodness of fit scores and keywords for the television program in a computer readable medium (see again Column 8, Lines 25-33) in association with time data and descriptive data for the television program as metadata describing the television program (see Column 8, Lines 25-33 and Column 10, Lines 25-30).

Tash also discloses transmitting the metadata for the television program to television program receivers before broadcast of the television program to the television program receivers (see Column 24, Lines 16-18).

Referring to claim 3, Tash discloses that the predefined categories are subject matter categories arranged in a hierarchy comprising at least a set of top-level categories, respective sets of first level-sub categories each corresponding to and encompassed by a top level category, and respective sets of second level sub-

categories each corresponding to and encompassed by a first level sub-category (see Figure 5).

Referring to claim 4, Tash discloses determining a representative subset of said numerical goodness of fit scores (see Column 15, Lines 10-39), wherein storing numerical goodness of fit scores comprising storing representative subset of numerical goodness of fit scores (Column 8, Lines 25-33 and Figure 6).

Referring to claim 5, Tash discloses that the production data includes rundown data produced by the production system (see Column 8, Lines 30-33 and note that Applicant's specification states that rundown data can be data in contained in the script data of Figure 3 (see Page 14, Lines 4-5 of Applicant's specification), which includes subject, author, content category and content type information (see Figure 3 of Applicant's specification), therefore Tash discloses rundown data).

Referring to claim 6, see the rejection of claim 5 for Tash teaching script data.

Referring to claim 10, Tash discloses selecting a predetermined number of said assigned keywords for storage (see Column 13, Line 66 through Column 14, Line 1 for storing content that is classified with a class/category, therefore objects that only relate to a specific category are stored and are therefore a predetermined number of keywords (included in the objects) are stored).

Referring to claims 11, 13-16, 20, see the rejection of claims 1, 3-6 and 10, respectively.

Referring to claim 21, Tash discloses a method in a programmable device for generating metadata for transmission to a programming event receiver, the metadata describing the program event (see Column 2, Lines 12-17).

Tash also discloses obtaining production data corresponding to the programming event from a production system used in the production of the programming event, the production data including descriptive information for the programming event (see Column 8, Lines 10-33).

Tash also discloses determining candidate keywords from the production data (see Column 8, Lines 25-33).

Tash also discloses providing the candidate keywords as respective inputs to a classification tool and generating for each of said candidate keywords a set of numerical goodness of fit scores each corresponding to a predefined subject matter category (see Column 14, Lines 46-55), wherein the numerical goodness of fit score corresponding to a category represents a degree to which the category is descriptive of the candidate keyword (see Table 2).

Tash also discloses selecting keywords to represent the programming event from among said candidate keywords based on the set of numerical goodness of fit scores

Art Unit: 2623

for each of said candidate keywords (see Column 15, Line 52 through Column 16, Line 31).

Tash also discloses storing said selected keywords in a computer readable medium as a component of said metadata describing the programming event (see again Column 15, Line 52 through Column 16, Line 31 for selecting keywords to represent each object and that this process contains providing pointers from each object to the proper keywords, which is inherently stored and properly linked in memory storage 306 of Figure 3).

Referring to claim 25, Tash discloses that the production data comprises script data for the programming event (see the rejection of claim 6).

Referring to claim 27, see the rejection of claim 21.

Referring to claim 31, see the rejection of claim 31.

Referring to claims 33-34, see the rejection of claim 3.

Referring to claim 35, see the rejection of claim 1 and note that the system is capable of performing the method based on individual program segments (see Column 6, Lines 9-14).

Referring to claims 36-39, see the rejection of claims 3-6, respectively.

Referring 40-44, see the rejection of claims 1 and 3-6, respectively.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 2, 12, 22, 24, 28 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tash (U.S. Patent No. 7,036,138) in view of Sumita et al. (U.S. Patent No. 6,581,207).

Referring to claim 2, Tash discloses all of the limitation of claim 1, as well as determining respective numerical goodness of fit scores corresponding to said categories for each of candidate keywords (see Column 15, Lines 10-39), however, Tash fails to disclose the process of determining a representative subset of said candidate keywords by a thresholding procedure using said numerical goodness of fit scores for said candidate keywords.

Sumita also discloses a process of determining goodness of fit scores for candidate keywords (see Column 7, Lines 25-29). Sumita further discloses determining a representative subset of said candidate keywords by a thresholding procedure using said numerical goodness of fit scores for said candidate keywords (see Column 7, Lines 16-23 and Lines 29-32).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the keyword extraction and scoring calculation

Art Unit: 2623

process, as taught by Tash, using the candidate keyword extraction and frequency scoring calculation process, as taught by Sumita, for the purpose of allowing a word that is particularly used frequently in television program scenes to be selected as a keyword (see Column 7, Lines 30-33 of Sumita), thereby only using keywords that have a higher level of significance in a particular portion of a television program, which provides a higher level of granularity in determining keywords.

Referring to claim 12, see the rejection of claim 2.

Referring to claim 22, Tash discloses all of the limitations of claim 21, as well as identifying nouns (see Table 1 for identifying nouns as the content classes), but fails to teach identifying verbs in said production data and using said verbs as candidate keywords.

Sumita discloses identifying verbs in said production data and using said verbs and nouns as candidate keywords by using a speech recognition program to extract all spoken words from a television program (see Column 7, Lines 13-14).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the keywords extraction process to identify nouns as content classes/keywords, as taught by Tash, using the speech recognition process, as taught by Sumita, for the purpose of

Referring to claim 24, see the rejection of claim 2.

Referring to claim 28, see the rejection of claim 22.

Referring to claim 30, see the rejection of claim 24.

Allowable Subject Matter

4. Claims 23, 26, 29 and 32 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

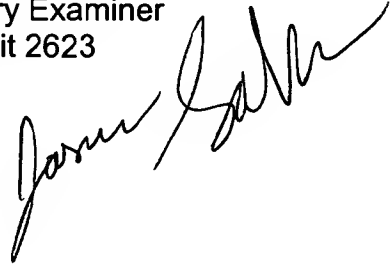
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason P. Salce whose telephone number is (571) 272-7301. The examiner can normally be reached on M-F 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2623

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jason P Salce
Primary Examiner
Art Unit 2623

A handwritten signature in black ink, appearing to read 'Jason Salce', written in a cursive style.

August 22, 2006